

ORIGINAL

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9/25/01

United States Dist Court  
Of Penna. Middle District

WM. Branch  
 v. Plaintiff

CV. NO. PCV-00-1728

(Judge Rambo)

Russian et al.  
 Defendant

FILED  
 HARRISBURG

SEP 24 2001

MARY E. DIANDREA,

Per. [Signature]  
 DEPUTY CLERK

Motion not to Dismiss any  
one for failure to Exhaust Remedies

It Please the Court here comes WM. Branch asking the Honorable Court not to Dismiss anyone for failure to Exhaust administrative Remedies.

42 USC 1997e (a) Retaliation Does not Require Exhausting of administrative Remedies (see) Relief v. complaint cite: Lawrence v. Goold 238 F3d 186 (2 Cir. 2001) exhaustion of Remedies do not apply to claims of Particularized instances of excessive force directed at prisoner or Retaliation (individualized) against a prisoner. They conclude that the underlying principle Requiring Exhaustion - giving notice to administration is to allow them a chance to change their behavior - are not served when a practice is aimed at one specific inmate rather than prison Population as a whole

also see Nussle v. Wille 224 F3d 95 (2 Cir 2000)

For these Reasons I ask this Court to deny Mr. Neil Hefferman P.A. motion to dismiss himself.

Date 9-19-01

Respectfully  
William Branch CP 375  
 PO Box 256  
 Waymart Pa 18472

PROOF OF SERVICE

I, the undersigned, verify that I have served a copy of this petition by U.S. postage paid mail to:

J. Ashcraft a.G.  
600 E St NW  
Washington DC-  
20530

WS Dist Court  
M.D. Penna  
PO Box 983  
Harrisburg Pa - 17108

Monaghan & Gold P.G.  
Mr Gold P.G.  
7837 old York Road  
Elkins Park Pa - 1902

MOTION TO PROCEED IN FORMA PAUPERIS

I, the undersigned, move this Honorable Court for an order permitting me to proceed In Forma Pauperis. I had previously been granted In Forma Pauperis status. My financial situation has not changed. I am still unable to pay the cost of the said proceedings.

VERIFICATION

I, the undersigned, verify that the above statements are true and correct and that any false statements herein are made subject to Title 18 Pa.C.S.A. section 4904 relating to unsworn falsification to authorities.

Respectfully submitted,

Dated: 9-19-01

William Branch CF3756

S.C.I. Waymart  
P.O. Box 256  
Waymart, PA 18472-0256